IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

_

WRIT PETITION NO : 22834 of 2004

Between:

1 R.V. Satyanarayana S/o Late Bangarayya
Rachapalli Village, Makavarapalem Mandal, Visakhapatnam District
2 R. Venkateswara Rao S/o Late Bangarayya
Rachapalli Village, Makavarapalem Mandal, Visakhapatnam District

..... PETITIONERS

AND

The Station House Officer, Makavarapalem Police Station,

Visakhapatnam, Visakhapatnam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction directing the respondent to take action on the complaint of the petitioner dt 28-6-2004 and to provide police protection to the petitioners to protect their possession and enjoyment of the land Ac. 14-00 in Sy. No. 95 of Tamaram Village, Makavarapalem Mandal Visakhapatnam District.

Counsel for the Petitioner:MR.D.KRISHNA MURTHY

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners claim to be the cultivating tenants of the land in survey No.95 of Ramaram village, Makavarapalem Mandal, Visakhapatnam district. They state that when they were sought to be dispossessed from the land having been declared as excess, they filed L.R.A. No. 1 of 2002 and obtained interim orders to protect their possession. They also filed W.P.No.7347 of 2003 when their possession was alleged to have been disturbed despite the interim orders granted by the Appellate Tribunal. The present complaint of the petitioners is that even while the orders granted by the Appellate Tribunal are in force, some third parties are interfering with their possession and when they complained the matter to the respondent, he has not taken any steps.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

The petitioners have already availed the remedy of appeal before the Land Reforms Appellate Tribunal. The nature and subject matter of the appeal or the purport of the interim orders granted therein is not the subject matter of this writ petition. The grievance of the petitioners is that some third parties are threatening to dispossess them and even after submission of a complaint, the respondent has not taken any steps.

The identity of the persons, who sought to interfere with the possession, and the nature of the rights, if any, pleaded by such persons, cannot constitute the subject matter of any steps by the respondent. It is only when any criminal act takes place that he can step in. If the petitioners apprehend interference with their possession by the third parties, they have to seek appropriate relief in a

civil Court in the form of temporary injunction etc. No direction as such can be given to the respondent to take or resist from taking any particular steps.

Hence, the writ petition is disposed of leaving it open to the petitioners to approach the competent civil Court and obtain appropriate orders to protect their rights. No order as to costs.

28.12.2004

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To

1 The Station House Officer, Makavarapalem Police Station,

Visakhapatnam, Visakhapatnam District

2 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT).

3 Two CD copies.